

## **REMARKS**

### **I. INTRODUCTION**

Initially, it is noted that the doubled claims 13-15 have been renumbered claims 16-18. The abstract has been replaced. The drawings have been amended. The Specification has been amended. Claim 3 has been cancelled. Claims 1, 2, 4, 7, and 16-18 have been amended. No new matter has been added. Thus, claims 1, 2 and 4-18 are pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the pending claims are allowable.

### **II. THE OBJECTION TO THE DRAWINGS SHOULD BE WITHDRAWN**

The Examiner has objected to the drawings. (See 12/2/08 Office Action, pp. 2-3). The Examiner states that Figs. 1 and 2a should be designated with a legend indicating that the drawings therein are prior art. Figs. 1 and 2a have been amended according to the Examiner's suggestion.

The Examiner states that Fig. 3a does not use the proper cross sectional shading. It is assumed that the Examiner is referring to the dashed lines illustrated in Fig. 3a for the brackets 5. It is respectfully submitted that the dashed lines for the brackets 5 are not being used to illustrate a cross section. Instead, as described in the Specification, the brackets 5 are movable. The dashed lines indicate another position that the brackets 5 may be disposed when moving along the direction 11. (See Specification, p. 6, ¶ [0034]). Thus, it because the basis for the objection regarding Fig. 3a is not for a cross sectional illustration, it is respectfully submitted that the objection is deemed moot.

The Examiner states that Fig. 2b and Fig. 3b use the reference numeral 11 to designate two different things. The Specification and Fig. 3b have been amended so that the reference

numeral 11 on Fig. 3b now uses the reference numeral 14 to indicate the door inner panel. Thus, it is respectfully submitted that the Examiner should withdraw the objection to the Figures.

The Examiner states that the Figures do not show every feature of the invention specified in the claims. Specifically, the Examiner states that the plurality of receivers recited in claim 15 must be shown or cancelled from the claims. Figs. 2a and 3b have been amended to illustrate the plurality of receivers. Support for this amendment may be found in the Specification on at least pp. 4-5, ¶ [0024] and p. 6, ¶ [0035]. The Specification has been amended to include the additional reference numerals that indicate the plurality of receivers.

### **III. THE OBJECTION TO THE SPECIFICATION SHOULD BE WITHDRAWN**

The Examiner has objected to the abstract and the Specification for informalities. (See 12/2/08 Office Action, pp. 5-6).

The Examiner objected to the abstract for a variety of reasons such as the use of legal phraseology and confusing language. The abstract has been replaced with the presently presented abstract. It is respectfully submitted that the presently presented abstract complies with the standards set out in MPEP 608.01(b).

The Examiner has objected to the Specification for a variety of informalities. It is noted that a Substitute Specification was submitted on December 21, 2005 when the present application was also submitted. Thus, the following comments are based upon the Substitute Specification.

The Examiner states that paragraphs 7, 11, 13, and 15 include a reference to the claims. These paragraphs were already removed from the Specification. The Examiner states that the description of Figures 3a/3b in paragraph [0030] is inadequate. Paragraph [0030] was amended to fully describe what is illustrated in only Fig. 3a. Paragraph [0030.1] was added to fully describe what is illustrated in Fig. 3b. The Examiner states that the reference numeral 6 on line 4

of paragraph [0031] should be amended to 6'. The Specification already uses the reference 6' on the instance the Examiner refers. The Examiner states that the phrase "the peripheral seal 7 are" on line 9 of paragraph [0033] includes a grammatical error. This phrase has been amended to include correct grammar usage. The Examiner states that the term "openings" on line 1 of paragraph [0035] is confusing as the Figure only includes 1 opening. This term has been amended into the singular. The Examiner states that the sentence of lines 1-3 of paragraph [0036] is confusing. This sentence has been amended to replace typographical errors. The Examiner finally states several instances of repeating reference numerals to describe different components is used. These instances have been amended.

#### **IV. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN**

Claims 1-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. (See 12/2/08 Office Action, p. 7). The Examiner asserts several reasons for rejecting claims 1-18 as being indefinite.

The Examiner states that the phrase "supporting an edge of the opening" on line 4 of claim 1 is indefinite because it is unclear how the base and the bracket can support the edge of the opening of the door. The Examiner adds that it appears that the edge of the opening of the door supports the base and bracket rather than the converse. To expedite processing of the present application, claim 1 has been amended to recite "the bracket including a supporting surface contacting an edge of the opening, the bracket including at least one fixation point for fastening to the door inner trim." Support for this amendment can be found in the Specification. (See Specification, p. 6, ¶ [0034]). In view of this amendment, it is respectfully submitted that this rejection is moot.

The Examiner states that phrase "the door module" on line 1 of claim 2 lacks antecedent basis. Although it is deemed that since there is only a single instance of a module in claim 1 and this module is for a door and thus the door module of claim 2 has proper antecedent basis, to

expedite processing of the present application, claim 2 has been amended so there is absolutely no question to which the module refers.

The Examiner states that claim 3 includes the term “a door” and is unclear to which door set forth in claim 1 to which this door refers. Claim 3 has been cancelled. Thus, it is respectfully submitted that this rejection is deemed moot.

The Examiner states that the phrase “extending around a perimeter of the opening” on line 2 of claim 4 is unclear if the Applicant is claiming the subcombination of a module or the combination of the module and the door. Claim 4 has been amended to remove any clarity issues as to which subcombination/combination is being claimed.

The Examiner states that the preamble of claim 1 implies the subcombination while a positive recitation implies the combination. It is respectfully submitted that it is clear the preamble relates to the module alone. That is, the function or use language includes the combination to which the Examiner refers. As such, it is clear that the preamble of claim 1 relates to the module.

The Examiner states that the term “a clipping opening” on line 2 of claim 7 is unclear whether the fixation point set forth in claim 1 is being referred to or if another element of the invention in addition to the fixation point is being referred to. Claim 7 has been amended to remove any clarity issues as to what the “clipping opening” refers.

The Examiner states that “a plurality of fixation elements” on line 2 of claim 12 is unclear if the fixation elements includes the at least one bracket recited in claim 1 or are in addition to the at least one bracket recited in claim 1. It is respectfully submitted that it is clear that the plurality of fixation elements of claim 12 is a separate component of the module than the brackets recited in claim 1. If the fixation elements of claim 12 were the brackets of claim 1, claim 12 indicate that the at least one bracket fastens the module to the edge of the opening. However, a different term is used (fixation elements) to describe the functionality of fastening

the module to the edge of the opening. Thus, it is respectfully submitted that claim 12 includes no clarity issues.

**V. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN**

Claims 1-2, 5-9, and 11-15 stand rejected under 35 U.S.C. § 102(b) as unpatentable over U.S. Patent No. 5,048,234 to Lua et al. (hereinafter “Lua”). (See 12/2/08 Office Action, p. 8).

Claim 1 recites a “module for covering an opening in a motor vehicle door and for supporting a door inner trim” comprising “a base body including a base and at least one bracket movable with respect to the base, the bracket including a supporting surface contacting an edge of the opening, the bracket including at least one fixation point for fastening to the door inner trim.” The Examiner states that Lau discloses all the features recited in claim 1.

Lau discloses a door module 24 as illustrated in Figs. 2-5 for covering an opening in a motor vehicle door 10 for purposes of energy absorption. The module 24 comprises a base body including a base and at least one bracket (comprising the elements 52, 62, 64) movable with respect to the base. (See Lau, col. 2, ll. 41-48). The bracket further includes a supporting surface 64 to contact an edge of the opening given by the door inner panel 14. (See Id.). The bracket includes at least one fixation point given by the hole for receiving the bolt 66. (See Id.).

It is respectfully submitted that Lau does not disclose or suggest that the module is “for supporting a door inner trim” and subsequently does not disclose or suggest that the “fixation point [is] for fastening to the door inner trim,” as recited in claim 1. As illustrated in Figs. 2 and 4 of Lau, the door trim 70 is not connected to any part of the module 24. Accordingly, the module 24 is not intended for supporting a door inner trim and, therefore, the fixation point is not designed for fastening a door inner trim to this fixation point. The door module 24 of Lau is connected to the door inner panel 14 by the bolt 66. The door trim 70 is connected to the door inner panel 14 without touching or being supported by the door module 24. By design, the brackets of Lau are solely used for allowing the door module to absorb the energy of a crash

when the door trim 70 is pushed in the direction of the door outer panel 12. However, even in this state as illustrated in Figs. 3 and 5 of Lau, the door trim 70 is not fastened to the fixation point of the bracket 52. The construction of the door 10 is described in Lau to be compatible to the prior art as described in the Specification and Figure of the present application. (See Specification, p. 1, ¶ [0005]; Fig. 2A). The door trim 70 of Lau is entirely supported by the inner panel of the door inner panel 14. Thus, the door of Lau does not need to be concerned with maintaining a constant gap between the door inner panel 14 and the door trim 17. Accordingly, Lau is silent with respect to a module “supporting a door inner trim,” as recited in claim 1.

Furthermore, since Lau is silent with respect to maintaining a constant gap between the door trim and door inner panel, the movable bracket of Lau does not perform such a function, because there is no suggestion in Lau to support the door trim by the door module. The movable bracket is solely attached for energy absorption purposes.

Thus, it is respectfully submitted that Lau does not disclose or suggest that a module “for supporting a door inner trim” and subsequently does not disclose or suggest that the “fixation point [is] for fastening to the door inner trim,” as recited in claim 1. Accordingly, it is respectfully submitted that claim 1 is allowable and the Examiner should withdraw the 35 U.S.C. § 102(b) rejection for this claim. Because claims 2, 5-9, and 11-15 depend from and, therefore, include the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claims 16-18 stand rejected under 35 U.S.C. § 102(b) as unpatentable over Lau. (See 12/2/08 Office Action, p. 9). Lau was discussed above.

Claim 16 recites a motor vehicle door comprising “one of an inner panel and a door frame with an opening,” “a module including a base body, the base body including a base and at least one bracket moveable with respect to the base, the bracket including a supporting surface contacting an edge of the opening, the bracket including at least one fixation point for fastening to a door inner trim,” and “a door inner trim fixed on the bracket via the fixation point.” Thus, it

is respectfully submitted that this claim is also allowable for at least the reasons discussed above with reference to claim 1. Because claims 17-18 depend from and, therefore, include all the limitations of claim 16, it is respectfully submitted that these claims are also allowable.

**VI. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN**

Claim 4 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Lau in view of U.S. Patent No. 6,676,195 to Marriott et al. (hereinafter “Marriott”). (See 12/2/08 Office Action, p. 10). Lau was discussed above.

As discussed above, Lau does not disclose or suggest that the module is “for supporting a door inner trim” and subsequently does not disclose or suggest that the “fixation point [is] for fastening to the door inner trim,” as recited in claim 1. Marriott also does not disclose or suggest this recitation of claim 1. Therefore, neither Lau nor Marriott, either alone or in combination, discloses or suggests this recitation of claim 1. Because claim 4 depends from and, therefore, includes the limitations of claim 1, it is respectfully submitted that this claim is also allowable.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Lau. (See 12/2/08 Office Action, p. 11). Lau was discussed above.

As discussed above, Lau does not disclose or suggest that the module is “for supporting a door inner trim” and subsequently does not disclose or suggest that the “fixation point [is] for fastening to the door inner trim,” as recited in claim 1. Because claim 10 depends from and, therefore, includes the limitations of claim 1, it is respectfully submitted that this claim is also allowable.

**CONCLUSION**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: May 4, 2009

  
By: \_\_\_\_\_  
Oleg E. Kaplun (Reg. No. 45559)  
Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, New York 10038  
Tel.: (212) 619-6000  
Fax: (212) 619-0276